



**Report of the United States Delegation to the Seventh  
Bilateral Research Exchange Among  
Labor Lawyers, Trade Unionists, Neutrals and Scholars  
Santiago de Cuba  
March 15 through 22, 2006**



**Co-Sponsored by the National Lawyers Guild  
Labor and Employment Committee and the  
Central de Trabajadores de Cuba (CTC)**

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Note: The opinions expressed in this Report are those of the individual authors, not necessarily those of the National Lawyers Guild, its Labor and Employment Committee or any organization with which the authors or other participants may be affiliated.



Photo by Joan Hill

## **I. Introduction**

By Francis Fernandez, Carmen Flores, Joan Hill and Dean Hubbard

The seventh bilateral research project between labor and employment lawyers, trade unionists, neutrals and scholars from the United States and Cuba took place from March 15 to 22, 2006 in the city of Santiago de Cuba and surrounding areas of Cuba's easternmost province. Santiago bills itself "The City of Heroes." In fact, Santiago was home at some point to 19<sup>th</sup> century revolutionary and political leaders Antonio Maceo, Carlos Manuel de Cespedes and José Martí, and latter day revolutionaries Frank País and Abel Santamaria. It was the site of the first act of Cuba's third war of independence, the attack on the Moncada Barracks on July 26, 1953. Santiageros are proud of their rebellious traditions. Culturally and demographically, Santiago is more deeply influenced by Africa and the Afro-Caribbean than the western part of the country.

The L&E Committee's Cuba solidarity work occurs in the context of a near total blockade of this small island nation by its northern neighbor, history's most powerful empire. Every aspect of the material conditions of daily life of every person living in Cuba is impacted by the dense network of political and economic obstacles erected by the U.S. government. No genuine analysis of Cuban labor rights can ignore this reality.

Our work also took place within the corresponding framework of the Bush Administration's efforts to restrict travel to Cuba by citizens of the United States. Despite such hurdles, as well as the daunting task of coordinating of research consistent with our professional license, participants worked to build upon the relationships and knowledge established by previous delegations. The continuing theme of this project has been to engage in open discussions, and bring opinions together towards one principle: Solidarity.

To accomplish these goals and our underlying research, we participated in an orientation program which included presentations on legal and policy issues. We conducted on-site interviews and observations with workers, management personnel and union activists at various work sites. The joint participation of U.S. and Cuban lawyers and labor relations professionals in the learning process developed a deep sense of camaraderie in the combined group. Once the common goals were understood, the delegations shared information and experiences in formal and informal settings to further their research and study.

As in the past, delegates were provided with various documents to aid in their understanding of the realities of trade union activity in Cuba. The analysis of Attorney Debra Evenson, a past President of the NLG who is the author of numerous books and articles on Cuban society and labor law, provided a particularly helpful framework of the legal environment for labor relations in Cuba.<sup>1</sup> Attempting to understand the historical, economic, cultural and political structure of Cuba was an essential aspect of the research conducted by the delegation.

Readers should understand that this report reflects the impressions, and in some cases the opinions, of the authors and is not comprehensive. Although some of the 2006 participants have been to Cuba numerous times over the seven year history of this project and have developed a higher level of familiarity with Cuban law as it applies to labor relations, each delegation is unique to itself and the participants bring to the project their own impressions and interests. We have interviewed workers in a variety of work places covering agricultural, manufacturing, service and self-employment sectors, but this report should be read in the context of previous NLG reports, which are posted for download at the NLG Labor and Employment Committee website, <http://www.worksafe.org/nlglaboremploycomm/international.cfm#Cuba>. They are also available upon request from delegation coordinator Dean Hubbard, [dhubbard@slc.edu](mailto:dhubbard@slc.edu), or co-coordinator Joan Hill, [johill@usw.org](mailto:johill@usw.org).



Photo by Dean Hubbard

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<sup>1</sup> Debra Evenson. 2002. *Workers in Cuba: Unions and Labor Relations*. Detroit: NLG/Maurice and Jane Sugar Law Center for Economic and Social Justice. Hereafter “Evenson.” Her other works include numerous articles and the book *Law and Society in Contemporary Cuba*. The Hague: Kluwer Law International (2003).



Photo by Wayne Krause

**Delegates Gather with Local Trade Unionists**

## **II. Orientation**

To begin the bilateral orientation, the basis for our on-site research, we received several reports from various legal practitioners, labor activists and academics. This laid the groundwork for an open discussion on the complexity of labor rights in Cuba, and the role of the CTC as the umbrella organization for the nineteen national trade unions, in the daily struggles of Cubans, both on and off the job.

One initiative added to this year's project was the pairing of U.S. delegates and those from the CTC and the labor law collective in Havana with local trade unionists from Santiago. During a short visit to the Antonio Maceo Plaza de la Revolución, delegates met with local union officials as the predicate to this dialogue. Officers from unions representing workers in forestry, health care, construction, elder education, hotel, sugar, and retirees took part in this exchange on the topic of labor relations in Santiago. Later in the week, the paired groups met on their own, which allowed for a more informal exchange in both the professional and social contexts. The pairings traveled to union halls, training sites, and other local venues to discuss day-to-day work and responsibilities.





Photo by Dean Hubbard

Entrance to the Antonio Maceo Plaza de la Revolución

## A. Cuban History and the Rights of Workers

By Kenneth N. Page

The Transportation Workers Union, Local 100, the union that represents the 38,000 hourly workers who drive, clean and repair New York City's buses, trains, subway stations and walk the miles of train track to assure the 8 million daily riders get to their destinations on time and safe, had recently come off a 2 and ½ day strike. The work stoppage began in the dark early morning hours of December 20, 2005 and lasted until 3:00 p.m. December 22, 2005. In a determined and disciplined fashion the membership systematically shut down New York City's Public Transportation System. As one of their attorneys, I was proud to stand with them.

The City was thrust into grid lock with city and state "leaders" screaming that we were costing businesses and the city millions of dollars per day. The billionaire mayor even had the nerve to associate the word criminal with our job action. By March of 2006 it had become very clear that the mayor, the governor and the power elite through out the state of New York were determined to punish and destroy the example set by Local 100: They were furious that we had dared to strike and went seeking to destroy and deflate this historically militant union. The membership rejected the Transit Authority's inciting negotiation tactics and inequitable final offer by showing the city, state and country the power of working people.

With this backdrop, on March 15, 2006, I departed Miami with the NLG delegation for Santiago de Cuba. As we landed, I noticed the name of the airport for the first time: Antonio Maceo International Airport. I thought to my self, one must be hopeful for a country that attaches the name Antonio Maceo to a major international airport. Maceo, one of the preeminent leaders of Cuba's second war of independence, is widely hailed throughout the country as an important part of the Cuban struggle for an independent and just society. Antonio Maceo's mother was of African descent. As a descendant of American slaves, I was struck by this.

You will not find such a substantial tribute to an African American combatant in arms who fought to end slavery. In fact, many U.S. monuments and tributes are to wealthy slave owners.

On recent trips to the District of Columbia, I flew into Reagan National Airport and departed from Washington Dulles Airport, named respectively for a neo-conservative president and right wing icon of the 1980s who waged secret and bloody wars in Central America against popularly supported and socialist governments; and the Secretary of State during the darkest days of the Cold War, an era when the CIA regularly assassinated foreign leaders and overthrew governments not controlled by U.S. puppet strings.

Simple comparisons like these make it easy to see past the American demonization of Cuba and become open to seeing and hearing directly from the Cuban people. The NLG Cuba labor research exchange is an ongoing effort in that regard.

Not only is the airport named after this famed combatant, the main attraction and meeting point in Santiago -- their revolutionary square -- also includes a huge statue of Maceo on horseback waving to his rear to encourage other combatants forward. This tribute to the Titan of Bronze is again unique when compared to other multicultural countries across the globe. The history of Cuba's fight for independence and to end all forms of oppression is the reservoir for this uniqueness.

This conclusion was concretized for me during our visit through multiple discussions on Cuba's history of struggle to win self determination during two wars of independence against colonial rulers and a third war of independence to end the brutal U.S. supported dictatorship of Batista. All three of these wars were connected with the ideal that Cuba would be free and independent and that the country would serve the interest of all its citizens: Not just the privileged few. This history of struggle is imprinted upon the entire character of the Cuban nation, from its Constitution to its relations with other nations.

The legacy of these wars of emancipation is materialized in the protection of the rights of workers within the Cuban constitution and laws. The presentations of Dr. Herbert Perez, attorney Crecencio Hernández of the CTC and other informal discussions with our hosts, as we traveled around the city, are the basis for this report. Dr. Perez led a discussion on Cuban history and Mr. Hernández led our discussion on labor rights.



Photo by Joan Hill

**Dr. Herbert Perez**

According to Dr. Perez, who attended a year of high school in Florida, and graduated from Duke University, each of Cuba's three wars to win its independence was a part of a consistent fabric that led to Batista and his supporters fleeing Cuba as the columns of the July 26<sup>th</sup> movement, widely supported by the rest of the country, marched on Havana. January 1959 represented the definitive and culminating victory of all the wars of independence.

Perez explained that the first war, called the Ten Years War, lasted from 1868-1878 and was confined to mostly the eastern portion of Cuba. Havana was one of the preeminent ports in all of the Spanish colonial system during this time. Havana, in the western part of Cuba, was also the most developed part of the country. Slavery was highly developed in and around Havana. This was not the case with Santiago de Cuba and most of eastern Cuba. Santiago was not as economically developed as the Havana area, and the society of Santiago also did not rely upon the labor of slaves to the same extent as those in Havana. The land holding classes in eastern Cuba also had a more progressive stance on slavery and breaking the chains of Spanish rule.

However, during the Ten Years War, the first war of Cuban independence, the eastern land holders did not join the fight for independence. Instead they clung to the safety of wealth and property. The basic demographic make up of Santiago at the time included one-third slaves, one-third free blacks and mulattos and approximately one-third white. It was during this first war that attitudes in Cuba began to shift. Black slaves and other mixed race Cubans of African descent found themselves being promoted to positions of leadership as they displayed courage and wit on the battlefield. The Cuban revolutionaries did not succeed in their attempts during the Ten Years War, but as history would show, this war laid the ground for future victories.

Antonio Maceo refused to accept the results of the Ten Years War and became an awesome symbol for Black and mulatto soldiers who fought in the war. Maceo, who had been promoted to general after entering as a private, demonstrated both his bravery and ability to outmaneuver the Spanish army. In 1878 when most of the Cuban generals believed that their



armies could not defeat the Spaniards, Maceo refused to surrender without winning Cuban independence and the abolition of slavery. This required him to leave the country for some time.

He returned in 1895 when the Second War of Independence began. His most famous campaign, with his mostly Afro-Cuban army on horseback, covered more than 1,000 miles in 92 days with 27 separate enemy encounters. The Spanish army pursued him vigorously in an effort to at least slow down his attacks on the Cuban sugar industry. On December 7, 1896 he was captured and later killed as he attempted to escape and rejoin the forces of Maximo Gomez. However, his example and sacrifice reverberate to this day.

Jose Marti, the organizer of the Second War of Independence, understood that slavery and other social ills must be resolved on the road toward freedom from Spain. Independence with the existence of other forms of injustice was not his aim. Marti wanted to deal with the question of equitable property distribution in an effort to build a more just social system.

In 1889 the United States intervened in Cuba's Second War of Independence. Spanish colonialism was defeated and replaced with imperialist U.S. neo-colonialism. The Cubans had to now deal with a four year U.S. occupation and fifty years of control, oppression and manipulation. The North Americans had publicly agreed not to establish permanent control over Cuba, passing the Teller amendment of 1889 confirming this position. This public face of course was inconsistent with actual U.S. policy, as evidenced by the U.S. soldiers who occupied Cuba for several years.

During the Cuban constitutional convention of July 1900, the U.S. congress notified the Cubans that they intended to attach an amendment to the Cuban constitution. This amendment became known as the Platt Amendment after the US congressman that presented it. The Amendment detailed guidelines for future U.S. – Cuban relations. The Cubans, under pressure, reluctantly included it in the Cuban constitution of that period and later incorporated it in a permanent treaty between the two countries.

It is the Platt amendment that provided the pretext for the U.S. government to lease lands for the establishment of U.S. military bases on the island nation. The Guantanamo Bay U.S. military installation, condemned by the United Nations as the locus of torture and other violations of international human rights law, is part of the legacy of Platt. It was also through Platt that most of Cuba's best lands passed to U.S. capital for the cultivation of sugar cane (sugar cane dominated the Cuban economy for half a century).

The Cuban oligarchy became the allies of U.S. capital against the interests of most Cubans. The unfinished work of a fair and equitable social system was thwarted and left undone following the defeat of the Spanish. The ideas of Marti and the beliefs of Maceo had for the moment been sidetracked. But their example and ideas would inspire a later generation of Cubans to head into the Sierra Maestras to complete the goals of Cuba's first two wars of independence.

Across both time and generations, the ideas of an equitable society reemerged and were unleashed by the 1953 attack on the Moncada Garrison. This uprising would lead to a popular

struggle for social and revolutionary change led by Fidel Castro and the July 26<sup>th</sup> Movement, which would end in the ultimate peoples victory in January 1959. This begins the rise of the common person in Cuba.

Dr. Perez's history lesson points to the long desire of Cubans to have an equitable society where everyone has a chance to reach their fullest human potential. The fruits of this long history were on full display during our trip to Cuba. I met a single mother of humble means who had raised five children who were all doctors. The likelihood of a single black mother of five from the humble classes within the U.S. finding the material and human solidarity to do the same is unlikely.

Crecencio Hernández led our discussion on labor rights in Cuba. As he began the discussion he identified the tenets of the Cuban system:

1. Cuba is unabashedly a socialist state of workers;
2. The country exists for all and the benefit of all; and
3. Unity and democracy.

Relying on the above tenets as his foundation, Hernández pointed to the Cuban constitution, where the protection of labor and worker rights is clearly enshrined. For example, Article 9 of the Cuban constitution promises the opportunity to work to any capable person while also clearly declaring that the state carries out the will of working people. It goes further in this same article to promise a means of subsistence for the disabled and infirm, and to mandate that every child must have adequate food and clothing along with the opportunity for an education.

The constitution also evidences an interest for working people and their allies throughout the world when in Article 12 it calls for the unity of the developing world and repudiates wars of aggression. It goes further to declare an obligation on its people to resist these wars, including armed resistance. These two examples are only a few of the ways the constitution and laws of Cuba seek to ensure the rights of all workers.

These protections flow from the same stream that led Fidel to the mountains; that would not allow Maceo to accept defeat in the second war of independence; and that now requires the Cubans to fight Uncle Sam's criminal attacks and disinformation campaign against Cuba's chosen way of life, while also being a voice and mentor for those who would say no to the current destructive course of humanity.

In Latin America and in corners all over the world the U.S. message about the Cubans is falling upon deaf ears. U.S. behavior is being measured beyond flowery and misleading words. It is the *deeds* of governments on which the people of the world ultimately rely to make judgments about friends and enemies. And the Cubans continue to win the hearts and minds of the worlds dispossessed because of their deeds. Conversely, with the tools of spin, marketing and economic extortion showing diminishing returns, the U.S. government, because of its actions, finds itself despised throughout the globe and even at home.

The trip to Cuba girds me for my return trip to America. As I enter through Customs, at the Miami airport, I am stopped and questioned for about forty minutes about what government authorization I had to travel to Cuba. A senior Customs officer quizzes me about my political beliefs in a clumsy effort to get information from me. Explaining that I am a lawyer and am traveling on a general research license that does not require prior authorization sends the Customs official to the telephone. I wait patiently as he glares in my direction while on the telephone with my passport in hands. He returns and asks me about the nature of my research and then asks about my trips to South Africa in the early 1990's. I calmly ask him why he needs to know. Reversing field, he then requires me to fill out a document detailing my trip to Cuba. I refuse to do so without being promised a copy for myself. He relents; I complete the form, get my copy and am warned that I will be investigated by government lawyers regarding my trip to Cuba. Finally, I am allowed to leave customs. This was my welcome back.

The sobering nature of my return continued. Roger Toussaint, the president of Local 100, where I work, was sentenced for ten days in jail for the Local's December strike. Later the Union was fined 2.5 million dollars for our strike's violation of the state's blatantly anti-worker Taylor Law, which prohibits public employees from striking. The courts and mainstream institutions had no patience for our protestations that the behavior of management forced us to stand up and strike. Most sectors of the upper classes and many of their middle class allies were similarly unsympathetic to the Union's insistence that the fines and jail time for our President were imbalanced and not fair.

However, in the homes, schools, churches and neighborhoods of working people through out the city, and even the country, people vibrated with our position and were proud that working people are standing up for what is right. These same people were also the most interested to hear about my trip to Cuba, and strongly identified with the Cuban peoples' defiance of U.S. hypocrisy. Guys in my neighborhood still shout when they see me, "tell my man Fidel, I said what up." They also understand deeds in my community!



Photo by Dean Hubbard

## **B. Recent Developments in Cuban Labor Law**

By Carmen Flores, Joan Hill and Dean Hubbard

The coordinator of the delegation of Cuban lawyers, Elio Valerino Santiesteban, the Director of Labor and Social Issues at the National CTC, spoke at the opening of the orientation session. Dr. Valerino noted that millions of workers are suffering because of an unjust and immoral global economic system, marked by privatization and informal labor. He noted that nine of ten new jobs worldwide are in the private sector, that six of those ten are in the informal sector, and that only two of ten workers receive coverage by a Social Security system. He pointed out that 20 million children worldwide must work to survive, and that millions more suffer from malnutrition, illiteracy and lack of education. As Dr. Valerino observed, within this context, and despite the blockade, Cuba remains to demonstrate the value of people, through programs seeking equity and social justice.

Cuba has initiated energy and education programs, as part of the so-called Battle of Ideas.<sup>2</sup> Dr. Valerino gave the following examples of the political will of the Cuban state to improve living conditions of its citizens: In May 2005, salaries were adjusted, and increases of approximately 125 pesos per month were implemented. This affected over 1.6 million workers in the education and health fields. In December 2005, increases of about 43 pesos per month were implemented for nearly 2.2 million workers. Pensions were also increased. (See Section C.1. below.)

Dr. Valerino described the focus of the state on full employment, and efforts to expand peoples' choices regarding the types of work and study they undertake. Health and safety have been a priority, as well as training and development. He reported that Cuba faces an unemployment rate of approximately 1.9% of active workers.

Currently, the CTC is focused on the process of workplace, municipal and provincial debates leading to the upcoming 19<sup>th</sup> Congress, which will take place this September. (This process is discussed in more detail in Section G. below.)

## **C. Social Security: Elderly and Disabled Workers in Cuba**

By Carmen Flores, Dean Hubbard, Wayne Krause and Cynthia Rollings

The Cuban Constitution and Labor Code obligate the state to provide work for all workers. This includes the aged and the disabled. Social Security legislation not only governs a worker's retirement conditions, it also provides regulations for continued employment of elderly

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<sup>2</sup> The Battle of Ideas is designed to strengthen the socialist revolution and includes several programs to encourage everyone to reach their highest potential through the social, cultural and political development of each individual. This program utilizes popular education to educate Cuban youth in their history and culture and how it relates to the rest of the world. From primary school through college students are organized with a voice in the decision-making processes of their educational institutions. (All citizens of Cuba have access to a completely-free-of charge quality education.) The Battle of Ideas also integrates social workers and art education into this individual development process.

and disabled workers. Under the Cuban Constitution, no person unable to work is to be without a decent means of survival. Under Article 47, the state is responsible for protection of workers no longer able work because of age or disability. In the event of death, the same warranties apply to the family. The Labor Code also addresses disabled workers.

## 1. Age

During the orientation, the delegates had the opportunity to visit a neighborhood where we were welcomed with a block party, and representatives of the local Department of the Elderly presented on the initiative of offering education to seniors and pensioners. This allowed us to observe first hand the results of the education policy reported to the 2005 delegation by Prof. Nelia Rosa Fonseca of the CTC National Retiree Organization (who also happens to be the wife of CTC General Secretary Pedro Ross). This so-called “University of the Elderly” provides classes for senior citizens at various universities and institutions without charge. This Cuban policy recognizes that in the future the elderly, who now comprise nearly 15% of the population, will represent an even higher percentage of the populace due to increasing life expectancy, which is now over 78 years on the average. Classes in this program are designed to “transform the world of the elderly, give sense to their life, a sense of fulfillment and self esteem.” The program recognizes the benefits to physical and mental health of academics and life-long learning. In the five years since this program began, the number of graduates has increased from 42 in the first year to over 2000 this year.

In Cuba, there are ordinary pensions and extraordinary pensions. Ordinary pensions are those provided to male workers who were age 60 in 1980, when the Social Security law took effect, or within five years thereof if still working then, and females who were at age 55 in 1980 or within five years if still working. They must have worked 15 or more years between January 1, 1959 and December 31, 1979. Extraordinary pensions are provided to men aged 65 and women aged 60 when the law took effect (1980) who reached such ages within five years thereafter, and who worked 10 or more years since January 1, 1959 and December 31, 1979.

In 2005 the average pension was about 100 Cuban pesos. In 2006, it is 180 Cuban pesos. There are currently more than one million pensioners in Cuba, one out of every seven persons. Payments to the retired comprise 10% of the national budget, or about \$2 billion. Five percent of this amount derives from contributions by private sector workers. Another five percent is from farm workers. The remainder is paid out of the general national budget.





Photo by Joan Hill

### **Specialist Matos Describes Programs for Disabled Workers**

#### **2. Disability.**

CTC Social Security specialist Yanelis Matos presented a detailed summary of the results of her research on the rights of disabled workers under Cuban law. Although Cuba has long-recognized the special needs of disabled persons, in the past they have been treated as unproductive invalids. After the Revolution, especially after 1979, true assistance for disabled persons was developed through the national Social Security Act. Various programs now address the needs and desires of the disabled. In 1983, a program was launched to teach the blind to read Braille. Causes of disability were examined and addressed. For example, the Public Health Program provides health examinations, not just for disabled citizens, but for high-risk pregnant mothers as well.

The Public Health Program attends the health and well being of all Cubans. The special needs of disabled persons are incorporated into its benefit services. This includes building and staffing centers to build mechanical aids for disabled persons. The program supports cultural activities in every community to provide art and sports activities, as well as developmental training.

Cuba has launched a National Plan of Action for the country's disabled workforce. The goals for the plan are to provide employment for disabled persons, and to give them access to health care and social services. A three-prong process implements these goals:

- 1) Universalization: putting the country's resources at the disabled person's disposal, and distributing those resources equally among them;
- 2) Normalization: the disabled must receive equal resources without discrimination; and
- 3) Democratization: disabled persons must be included in the decision making process regarding social programs for them, as well as general community decisions.

Through the National Plan of Action, accommodation and assistance to disabled workers remains an on-going topic for the National Congress of Health and Safety. In addition, the ministries of education, public health, construction, transportation and labor all participate in the National Council for Assistance to the Disabled to develop the disabled workforce.

Recently Cuba evaluated its programs for disabled persons in the National Congress for Health and Safety. There are still problems. The issue remains how to transform principles into reality. Architectural barriers still exist. New buildings are required to observe certain requirements, such as ramps for wheelchairs. But Cuba faces severe economic constraints, and the plans will be implemented as funds can be made available.

Apart from these obstacles, the right of disabled persons to work in a safe, supportive environment is limited only by ability and opportunity. Specifically, a willing disabled worker is limited only by his or her ability to perform the tasks of her job. If one is able to work, work is guaranteed. Under Law 24 of Cuba's Social Security legislation, ability to work is determined by provincial and local medical commissions, which exist to assess what a particular worker can do, and the government allocates workers to specific jobs. After obtaining work, if the job proves unsuitable, the worker is reassigned to a different job at the worksite. If no job is available, the matter is referred to a local labor committee to relocate the worker at a different site, rather than simply laying her off. Disabled workers are paid until they are able to work and actually receive employment. Workers who are disabled in an accident at work receive 80% of their wages. Those disabled in a non work-related accident receive 60% of their wages.

For the seriously physically challenged, there are workshops around the country which incorporate such persons into enterprises engaged in light industry. For example, disabled workers are trained to make paper and cardboard products. Work centers exist for persons with mental disabilities as well. In addition to vocational trainers, these centers are staffed with health and social workers. Ms. Matos screened video excerpts from her interviews of participants in these programs.

The law also recognizes "mental disability." There are centers to integrate persons with intellectual disabilities, to give them training to obtain skills for jobs and social service assistance. Sheltered workshops offer services to 3894 disabled workers.

The state provides assistance for mothers of children with disabilities, both mothers who have left their jobs to take care of their children and mothers who have no jobs because they have to take care of their children. This assistance consists of helping these mothers regain their jobs by having social workers go to their homes to take care of the children while their mothers are at work.

Law 34 addresses maternity leave. Workers are provided the opportunity to obtain paid leave until a child reaches the age of one year; in the case of a disabled child the period of paid leave is extended until the child reaches the age of three. The time mothers spend with their children with disabilities is considered time worked for retirement purposes. There is also

assistance provided to couples with a risk of having a child with a disability. 1162 persons are receiving these services.

Labor unions also play an integral role in a disabled worker's productivity and working conditions. The union provides education to the employer and fellow workers of a disabled worker's special needs in the workplace. The union may also provide workshops and training for the disabled worker. The union provides advocacy and representation for the worker when there are problems. Finally, seminars are held for labor leaders by light industry representatives (where most disabled workers work) in order to blend the workers' needs with those of the industry.

There are non-governmental organizations that serve as advocates for disabled persons, the National Association for the Blind, the Cuban Association for the Physically Impaired, and an organization advocating for the Deaf. Aids have been developed for disabled persons to address integration into the community, culture and sports.

Juan Carlos Daladre, one of the interpreters for the Orientation Program, who is legally blind, was inspired by Ms. Matos' presentation to describe his personal experience with Cuba's special education system for persons with disabilities. He related how the government informed his mother of the existence of this opportunity, and how he received his primary and secondary education through this special education system. Then, after he finished high school, he was able to reenter the regular education system. He finished college in 1996, during the Special Period and, although he was not able to get a job immediately, the "revolution" provided money to support him until he obtained one.

#### **D. Occupational Health and Safety in Cuba: "Protected Areas Campaign"**

By Francis Fernandez

Jose Castaneda, a specialist with the union representing transportation workers (TWU), described in detail Cuba's effort to institutionalize occupational health and safety principles in all work places, called Movimiento de Areas Protegidas, or MAPs. Jose's presentation began with several observations regarding health and safety on the job. For every fatal work accident there are 1200 work accidents involving injuries that cause the worker to miss 2-3 days of work. Consequently, safety on the job cannot be an option conceptually or in practice. Safety on the job must define work practices to eliminate injuries and accidents which lead to workplace fatalities.

New workers enter the labor force each year. Thus, there is a constant need to train and re-train workers regarding safety on the job. Labor unions are the first line of defense against work place accidents, according to Castaneda. Accidents and unsafe practices occur when safety surveillance and training are not systematized.

Cuba promotes health and safety on the job by promulgating regulations that establish procedures for designating work zones within an empresa (a state owned enterprise), groupings of work zones within an empresa and entire empresas as "protected areas." The MAP protected

areas concept is based on the principle that sustainable industries require a democratic approach to workplace health and safety that must involve the empresa's management, the empresa's workers and the labor unions that represent the workers. Together the empresa's population can create, implement and systematize workplace health and safety principles. By working together the parties create a collective bargaining agreement (CBA) based on general principals that embrace health and safety regulations and standards that recognize the fundamental right of workers to workplace safety. The CBA helps to create consciousness, knowledge and incentives for participating in developing safe work practices at the empresa.



Photo by Dean Hubbard

**Charcoal workers at Empresa de Montaña Piedra Grande Bacanao**

Guided by Che Guevara's words that the life of a single human being is worth more than all the property of the richest man on earth, the protected areas movement reflects the idea that by optimizing health and safety first, you also optimize production because a worker is most productive when he or she feels safe in the workplace.

According to Castaneda, MAPs recognizes that rules and regulations alone will not implement a system that guarantees the reduction, control and elimination of harmful production factors and methods. The essential element for ensuring health and safety is creating a culture of accident prevention in the workforce. Identifying and eliminating dangerous practices is the key to creating a safe work culture, and this can be accomplished only by involving the workers and unions in the decision making at the empresa. Pursuant to the protected areas procedures, the unions and workers, along with health and safety experts, participate in the initial and periodic workplace inspections which identify dangerous work practices or equipment. Programs and procedures to prevent injuries developed at the worksite by the empresa administration, worker

representatives and union representatives are submitted to the entire proposed protected area workforce and at least 75% of the workers must approve the plan.

The protected areas program begins at the smallest worker unit within an empresa that either has eliminated unsafe practices and conditions or has in place procedures that control the risk of injury to the point where the risk is minimal. In order to achieve this threshold designation many factors are examined. Are the workers trained regarding how to prevent injuries, and is their training well documented? Are hygienic and sanitary facilities and healthy environmental and housekeeping conditions in place and in operation? Are all appropriate accident, illness and fire prevention practices in place? Have periodic inspections and environmental measurements been taken to determine the potential for exposures to harmful materials? What is the extent of injuries, illnesses and fatalities? Have all the workers received initial and periodic medical examinations and been informed of the findings? Is personal protective equipment available? Have the workers been trained regarding its use and maintenance? Is there a worker group that is empowered to deal with health and safety issues? Is the implementation and control of the MAP well documented?

Protected areas that form a natural grouping in an empresa, have met all the above requirements and have coordinated their health and safety program with that of the other related protected areas, can seek designation as a “protected center” within the empresa. Only after all the work areas in an empresa have been designated protected areas and protected centers can the empresa seek to be designated a “protected empresa.”

There are strict procedures for reviewing the status of each type of protected entity. Occupational injuries or illnesses or violations of health and safety rules may result in the loss of a protected zone designation. A strong and positive protected areas health and safety record is a major factor in being declared a “Vanguardia Nacional” empresa. The Segundo Frente Cafetal, visited by the delegation, is such an empresa. These designations carry economic and other incentives for the workers and the empresa’s management.

Creating incentives to promote occupational health and safety is a very difficult task. The most objective factor for determining the efficacy of a health and safety program is the absence or reduction of workplace injuries or illnesses. This reality creates the potential that management, workers or the workers’ representatives will not look for or report dangerous situations or injuries if the result may be the loss of production, income, or some positive political designation. This is why the key to Cuba’s successful implementation of MAP, according to Castaneda, will depend less on detailed rules and regulations and much more on creating a workplace health and safety culture and ethos that puts the safety of the worker above all other considerations.



## **E. Procedures for Resolving Labor Grievances**

By Cynthia Rollings and Dean Hubbard

This presentation was given by Dr. Arturo Alarcón, an attorney with a labor law Bufete Colectivo (akin to a law firm) in Havana. After the collapse of the socialist bloc of countries in Eastern Europe and the tightening of the U.S. blockade in the early 1990s, Cuban society was confronted by the need to restructure, to construct a new kind of enterprise with greater emphasis on productivity and efficiency. Alarcón commented that specific flaws prior to the so-called Special Period included the following: enterprise administration was too centralized, market demand was not adequately taken into account in setting levels of production, and distribution of products was not fully consistent with socialist principles. Cuban unions, workers, enterprise administrations (the Cuban term for management) and relevant ministries began a process of re-evaluating the entire framework for socialist enterprise in Cuba to remedy these problems. One of the products of this process was a new law, Decree Law 229 (2002), which established new procedures for collective bargaining and dispute resolution. It includes a new element—specifically, an “arbitration committee”—to resolve disagreements. Conflicts are to be resolved first in the local workplace. If there is no resolution at that level, both sides have the right to appeal. Dr. Alarcón described the composition and procedure of these arbitration committees, or Organizaciones de Justicia Laboral de la Base (OJLB), which have been described in detail in previous reports.<sup>3</sup>



Photo by Dean Hubbard

**Dr. Arturo Alarcón**

Dr. Alarcón spoke as the legal adviser to the transport union. He personally had not witnessed the arbitration process under the new regulation. He did, however, describe his recent experience with the airline flight attendants. The law required flight attendants to change jobs once they reached a certain age; specifically, flight attendants were not permitted to work after the age of 55 because it was felt that their physical condition no longer permitted them to perform this work. However, the union considered this law to violate the flight attendants' rights. The issue was taken to a higher level of the union and the National Institute of Civil

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<sup>3</sup> See National Lawyers Guild Labor and Employment Committee, *Report of the United States Delegation to the Sixth Bilateral (U.S./Cuba) and Third International Research Exchange Among Labor Lawyers, Trade Unionists and Scholars* (2005), pp. 6, 22-24; *Report of the United States Delegation to the 2001 Meeting of Cuban and American Trade Union Lawyers* (2001, hereafter “2001 Report”), 22; Evenson, *supra*, pp.64-68.

Aeronautics. As a result of the efforts of the Bufete Colectivo and the transport union, the NICA agreed that workers over 55 who could show that they remained in good physical condition could continue to perform their jobs, instead of being subject to a blanket prohibition banning them from continuing. In this particular case, therefore, they were able to obtain a successful solution to a collective grievance.

Dr. Vivian Aguilar Pascual rounded out this panel with a presentation on the resolution of grievances within a jurisdictional framework. Dr. Aguilar described the Cuban judicial system as a pyramid. At the top is the Supreme Court, described as a “popular tribunal”; below the Supreme Court are the Provincial Courts, described as the “public courts”; below the Provincial Courts are the Municipal Courts.

All of the courts are composed of different halls (chambers), with both professional and lay judges. All rulings are discussed in a collective manner and approved by a majority of votes.<sup>4</sup>

When the disciplinary action is termination or transfer, either the administration of the enterprise or the worker may present a claim to the municipal level of the court system. The law provides that the case can be presented orally or in writing, without particular formality, so long as the party summarizes clearly the reason for the claim or action and the evidence in support of his demand. The Municipal Court undertakes a *de novo* review of the facts. By law, the matter is to be resolved in 24 days following the presentation of the claim, with all due process.

Both parties have the right to be represented. The worker has the right to be represented by a trade union leader, a relative, a friend or a legal representative. If a worker cannot obtain such a representative, the worker can represent himself. The administration has the right to be represented by the head of the enterprise or foreman or a legal adviser. The principle of having both parties represented is to insure that judges can obtain all necessary evidence in the hearing.

Review of the Municipal Court decision is available from the Labor Hall of the Supreme Court, but only where new evidence has become available, or the appellant claims that the municipal court was arbitrary, unjust or without legal basis. If the Supreme Court accepts the appeal, it is required to resolve the case in no longer than 30 days.

Cases are handled on the same operative principles as the OJLBs : simple, speedy and all parties present. Dr. Aguilar put great emphasis on the fact that judicial procedures disregard unnecessary formality. In application, in 15 years of enforcement of the law, Dr. Aguilar stated that it has been shown that the principle of speedy resolution is met. The vast majority of cases are resolved within one month of presentation.

In summary, if there is a problem affecting workers’ rights, the judicial system tries to find a fair and speedy resolution with both parties having the opportunity to appeal within the court system.

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<sup>4</sup> In her book, Debra Evenson describes the Labor Law chamber, which hears all grievance appeals. Evenson, *supra*, p. 63, n 4.

## **F. Globalization and Labor Relations in Cuba**

By Joan Hill and Dean Hubbard

Martha Martinez Navarro, now an attorney with the World Labor Federation's Americas region, spoke on the topic of Globalization and the role of the Cuban labor movement. She contrasted the "neoliberal" approach to trade reflected in proposed agreements such as the FTAA with Cuba's efforts to globalize solidarity. She cited the examples of Cuba's willingness to internationalize its social programs (such as education and health care) as aspects of its trade policy. She provided the example of Cuba's cooperative model with Venezuela, which includes an agreement (ALBA, the Bolivarian Accord for the Americas) under which Cuba receives oil and construction materials necessary to build homes—one of the major problems facing Cuba today—in exchange for providing doctors to Venezuela's poor. The intent of such cooperative models is to establish trade relationships which are beneficial to both countries and independent of the ideology of the "Washington Consensus."

## **G. Labor Rights in Cuba: Challenges and Perspectives**

By Dean Hubbard

Héctor Suárez Granda described the role of workers and unions in creating and implementing labor law in a country which, under its Constitution, is a socialist state of workers. He pointed out that the CTC is permanently represented in Cuba's Council of State, the highest organ of the government, and that the unions have representatives on the Boards of Directors of each enterprise. He discussed worker participation in modifying the Labor Code, Social Security and workplace health and safety laws. Beginning in April 2006, each workplace has been engaged in a process of discussing these changes.

In September 2006, the elected delegates of all of the countries' unions from every province will meet in the CTC's 19<sup>th</sup> Congress, which takes place every five years.<sup>5</sup> The formal process of preparing for the 19<sup>th</sup> Congress began in 2005, with meetings in each workplace and municipality to discuss what Cuba's workers consider to be the major issues facing the country. As we conducted our research in Santiago in March 2006, the CTC was holding conferences at the provincial level to discuss and refine the findings of the workplace and municipal conferences. The provincial conferences resolved to focus the Congress on the broad topic of "Integral Attention to Workers." Within this thematic framework, draft resolutions on the subjects of health and safety, collective bargaining and labor rights are being presented to the National Secretariat of the CTC for consideration for presentation to the Congress. It is anticipated that the Congress will make policy recommendations on these subjects to the National Assembly and the Council of State.

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<sup>5</sup> See 2001 Report Appendix for a detailed discussion of the 18<sup>th</sup> Congress.



Photo by Wayne Krause

Edna Yang at the Tumba Siete UBPC, a National Vanguard collective

## **H. Cuban Agricultural Development Policy**

By Edna Yang

The Cuban agricultural system, like rural development in the United States, has adapted and evolved to respond to changing economic forces and the needs of its people. What began as small agrarian societies, soon developed into larger agricultural cooperatives and then, from state farms, to Units of Basic Production. The focus of this evolution in Cuba has been on cooperatives, while in the US, it has been on government subsidies and the eventual onset of community development corporations. In the US, the federal rural development programs focused primarily on agriculture or industry, which limited the reach of the programs to larger commercial farmers and industries, and most likely compounded the economic gap that existed among the people within the rural areas. These initiatives, however, were successful in another unintended way in that they laid the organizational and motivational groundwork for “self-help” community development movements.

The Cuban Revolution changed the agricultural system in Cuba. From 1959-1960 there were approximately 881 cooperative farms in Cuba averaging in size from about 200 – 300 hectares. From 1961-1962, many small agrarian societies formed in Cuba, totaling about 229. Many of these agrarian societies were formed as private individual farmers began to join together to work their individual plots of land, sharing work and equipment. Despite their collective efforts, many of these ventures failed, due to lack of experience of those who were given land to farm after the Revolution, and due to the government’s focus on the creation of state farms.

By 1975, however, the Cuban government’s focus on agriculture changed as it began to encourage the development of larger agricultural cooperatives, similar in structure to the smaller agrarian societies attempted previously. Throughout the 1970’s over 100 of these agricultural production cooperatives (“Cooperativas de Producción Agropecuaria” or CPA) were formed. The CPAs were similar to the agrarian societies, but were better equipped in that they contained schools and medical clinics and provided for vacations and retirement. The CPAs were formed as farmers donated the land they owned to the cooperative. Over time, these farmers were paid

by the CPA for the value of their donated land. Although the CPAs were started by small farms and private land holdings joining together, they eventually expanded to include landless farm workers, mechanics, welders, and other professionals, such as accountants and agronomists. By 1983, there existed some 1472 CPAs with 82,000 members. However, in 2000 there were only 1146 CPAs with 61,083 members. Approximately 90% of the decline in membership was due to retirement.

In the early 1990s, Cuba was struck by an economic crisis which affected all aspects of its economic development, including agriculture. In order to survive in the midst of this economic crisis, the agricultural sector adapted and Units of Basic Cooperative Production (UBPC) were born. UBPCs are similar to the CPAs in that they are agricultural cooperatives. They differ, however, in their mode of creation. The UBPCs were not created by small farmers coming together to work the land. Instead, they were formed by breaking up large state owned and operated farms which were inefficient and unable to function due to the loss of significant subsidies after the collapse of the Soviet Union. The land within the UBPC remains the property of the state, but the members control the means of production. Production quotas are set by the state, which also guarantees the price for the goods produced to meet the quota. The UBPC may then sell any surplus to the government and in local markets, or it may distribute it among its members.

In 1995, there were approximately 2855 UBPCs with 260,000 members. Of the 2855, 1415 were devoted to sugarcane production and 1440 to other types of produce and livestock. Today CPAs and UBPCs work roughly 56% of Cuba's farm land with the remaining 44% divided evenly between state farms and private farms.

The government developed rules to oversee the transformation of the state farms to UBPCs in 1993. These rules were intended:

- To create a relationship between the worker and the land worked,
- To raise the standard of living by both increasing production for consumption by the worker and by improving housing,
- To link income with production and to give the cooperative autonomy in administration and production.

Legislation granted the cooperatives ownership rights to the means of production and the crop, and provided for open ended use of the land while assuring that it remained the property of the state, allowed for the sale of crops to the government of authorized agencies, and also set up direct elections by the workers for the administration and board of directors of each UBPC.

There are five basic ways through which cooperative members are motivated to improve production: (1) advanced earning, or wages paid in advance of harvesting the crop; (2) Share of the cooperative earnings, such as a share in the crop surplus; (3) share of the crop for consumption by the members; (4) ability for individual members to cultivate family plots; and (5) member ownership of farm animals.

In the U.S., although the federal government had already been addressing rural development for close to three quarters of a century, it was not until 1955 that the federal



government, the US Department of Agriculture (USDA), and its various agencies acknowledged and treated rural development itself as a separate program area through initiatives such as the Cooperative Extension Program (CES). The CES' primary goal was to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to ensure consumers an abundance of food and fiber at reasonable prices and for other purposes. It was marked by a heavy emphasis on the commercial agricultural industry to stimulate development in rural America. Local community involvement came in the form of community development corporations which worked to mobilize community involvement and insure that local communities received the benefits of federal legislation.

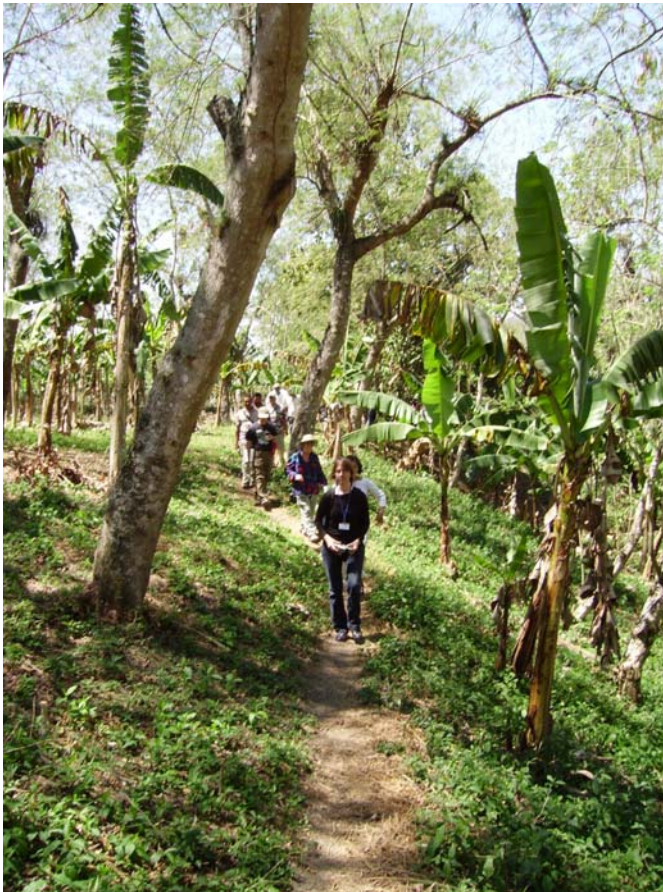


Photo by Dean Hubbard

**Delegates explore Tumba Siete agricultural cooperative.**



Photo by Wayne Krause

### **III. Field Research**

When this project was first undertaken in 1999, the coordinators, Dean Hubbard of the United States and Guillermo Ferriol of Cuba, agreed that informal visits, including interviews, with rank and file members of trade unions were as important as the professional exchange among the lawyers and labor activists. Therefore, field visits to work sites, community centers, union offices and other establishments have been part of the NLG/CTC exchange since the beginning.

In this context, the coordinators decided to extend the research program beyond Havana and its adjacent provinces, and reach to the eastern province of Santiago. Although this added a layer to the planning stage, it created an opportunity for both the U.S. delegates and those from Havana to gain insight into the daily lives of workers in the country's easternmost province.



Photo by Cynthia Rollings

**Primary Students in Classroom at Moncada School**

#### **A. The 26<sup>th</sup> of July School (Moncada Barracks)**

By Kenneth N. Page, Joan Hill and Dean Hubbard

The former military barracks which were attacked in 1953 by the partisans of the July 26 movement, in what was widely regarded as the initial salvo of the Cuban people's victory against the dictator Fulgencio Batista, have been transformed into a campus comprised of six primary schools. Several of the combatants killed during the attack on the Moncada Garrison are remembered around the campus with portraits and tributes to their sacrifice.

We met with Hortencia Rodriguez, who is the Deputy Director of the 26<sup>th</sup> of July School, and with the Secretary of the school's trade union section. They talked briefly about Cuba's commitment to education, particularly the responsibility of preparing the youth in the country for quality lives. The six schools on the campus are established by age and area of study. There are over 3000 students on the campus. By way of example, there are 13 fifth grade classes, with class sizes that average about 20 students. Teachers are paid 590 pesos per month. Course offerings include Spanish, mathematics, Cuban history, civics, English, P.E. and vocational education. Classes run from 6 am to 7 p.m. The students attend school in shifts or waves during different parts of the day based on age. This allows greater use of the campus and cuts down on crowding during specific hours. The children's writings, arts and handcrafts were visible throughout the school.

The combined workforce at all six schools comprise a single trade union "section," called appropriately enough "the July 26 Union Section." (Constituent parts of Cuba's unions, in ascending order of size, include locals, bureaus and sections.) The Deputy Director and union Secretary discussed their collective bargaining agreement, describing it as having material, ideological and training aspects. They told us that the CBA establishes ways to resolve



differences, and contains provisions addressing the needs of working women, younger workers and retirees. As in all workplaces in Cuba, the union plays a dual role of advocating for workers and for the productivity of the enterprise. The union has a representative on the committee which evaluates teacher performance. Teachers are assessed by individual plans. Like all workers at the school, they are represented by the education union, Sindicato Nacional de Trabajadores de la Educación y el Deporte. Unsatisfactory evaluations can be challenged through the dispute resolution system, the grass roots labor justice organ (OJLB). They emphasized that terminations can not be finalized without the signature of the Secretary of the union section.

School was in session during our visit, so we were unable to interact with the students too much. As throughout Cuba, we noticed that the students at the 26<sup>th</sup> of July school were similarly dressed in uniforms and very attentive to their instructors. Several students smiled and waved in our direction as we toured the school. They had the same happy, curious and hopeful expressions that young people all over the world have. The classes were full and except for the occasional glance and smile, the students seemed fully engaged.

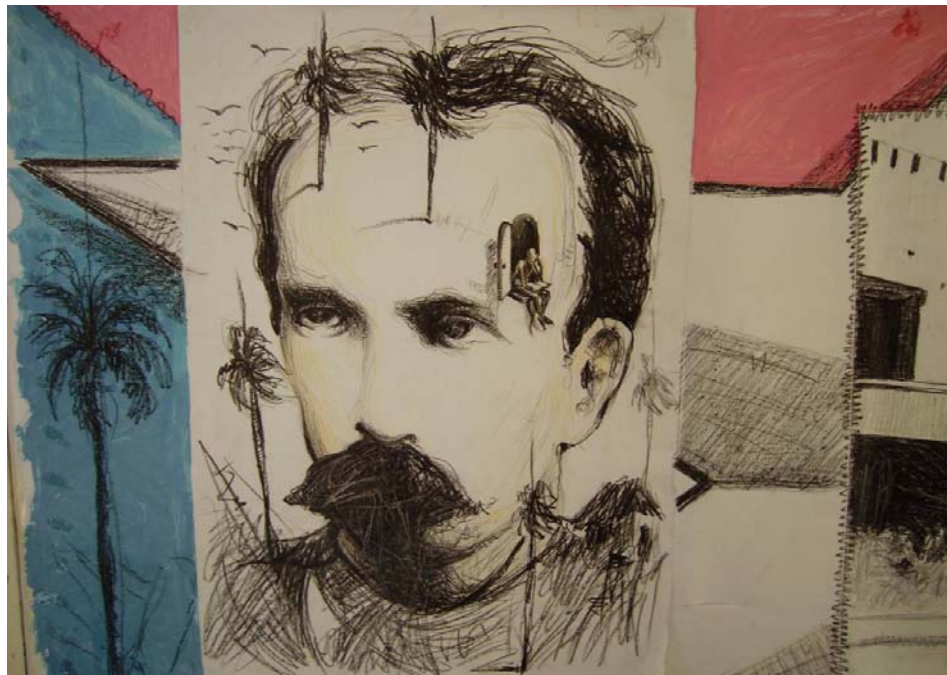


Photo by Dean Hubbard

#### **Student Rendition of José Martí**

The school also has a museum attached, which contains detailed accounts of the struggle against Batista, and of the torture and murders of the guerillas following the attack. Along side these accounts are all types of uniforms, weapons and other artifacts from the period of this revolutionary struggle. Fidel Castro was arrested after leading the attack on the Moncada Barracks. It was at his sentencing following that arrest that Fidel gave his famous "History Will Absolve Me" speech. He was freed 2 years later and began the July 26<sup>th</sup> Movement or Movimiento 26 de Julio. The rest, as they say, is history.

Wherever one encounters young people who are happy and engaged it's a lift to the spirit. Both the U.S. and Cuban delegations left Moncada feeling the warm effects that only children provide. An elementary school – what an appropriate contrast to the torture and murder that once occurred within these walls, and what a tribute to those who fell there fighting for Cuban emancipation.



Photo by Dean Hubbard

## **B. Empresa de Montaña Piedra Grande Bacanao**

By Joan Hill and Dean Hubbard

We were greeted at this integrated forestry enterprise by Iraidia Vallar, who is the human resources director, and by several workers and union representatives. Sra. Vallar reported that this empresa participates in the “Enterprise Perfection System.” Enterprises in this program are self-financed and enjoy greater autonomy than traditional state enterprises. They are only approved for participation after a rigorous review of their structure, business plan and accounting systems. The entire enterprise covers approximately 14,000 hectares (1 hectare equals 2.471 acres), including woodland areas. There are 1059 employees in various production areas, including forestry, timbering, furniture assembly, charcoal production, and a sawmill. We observed the charcoal and sawmill production, as well as some of the timbering areas.

### **1. Charcoal Production**

Traditionally, throughout the Americas, the job of “carbonero,” charcoal worker, has been a marginal occupation whose practitioners have often led subsistence existences in remote rural areas. The twin goals of the enterprise, as expressed by Sra. Vallar, are to humanize labor and produce quality products for export. Towards these goals, the enterprise decided to improve working conditions and build dormitories for the charcoal workers. This led to increases in the quality of the charcoal produced. Previously, charcoal had been produced in remote areas of the province under varied conditions. Now, all of the carboneros are located in one area where

working and living conditions can be controlled and product quality increased. Regarding exports, before the reorganization this enterprise had produced two containers of 17.5 tons each per year; now production is at a level of five to seven containers annually.

Sra. Vallar explained the production process. In the forests, the trees are cut with a chain saw. Mostly hard and semi-hard woods are used, including eucalyptus, guava, and aroma. The wood is stacked to make a furnace (pyramid shape), first with twigs, then built up; the stack is lit and then covered with dry hay or grass and then dirt. Dirt and hay protect the fire from rain; as long as the stack is burning and smoke is present, the process continues. When it stops burning, the charcoal is finished. This stack can take up to one week to burn and has to be monitored constantly by the worker and his assistant. Larger stacks are made by a group of workers.

The charcoal is subsequently separated and then packaged into 22 kg sacks for export and national consumption. These are stored in a warehouse. The primary customer is Spain, where the charcoal is used for cooking and roasting. The enterprise hopes to expand into the Caribbean market.



Photo by Wayne Krause

#### **New Housing under Construction for Charcoal Workers**

The first of the workers' new dorms were within a short walking distance from this production area. These dorms will include a kitchen, laundry and recreation facilities, offering improved nourishment and living conditions for the workers. Residents live in the dorms for 25 days and then have 5 days off to return to their homes. The goal is to build sufficient housing for all the workers and their families to be able to live on the enterprise premises.

Incentives are paid based upon production and average 1200 pesos per month plus a bonus in convertible currency (CUC). This incentive is based upon individual production, determined by the quality and quantity of charcoal produced per stack, which is ultimately warehoused.



In response to questions, Sra. Vallar informed us that this enterprise has tried to make the individual incentives more “fraternal” by reviewing incentives on a regular basis (several times per year), and trying to ensure the best workers are selected. This facility has been recognized as a Vanguard site, a national award given to enterprises which achieve success in quantity and quality of production.

The workers must have a minimum of nine years of education. It was reported that retirement was not mandatory, but typically men retire at 60 and women at 55.<sup>6</sup> There is on-site emergency care, both a doctor and nurse, who also perform periodic medical checks for the workers and their families.



Photo by Dean Hubbard

**Worker (and “National Vanguard” award recipient) addresses delegates’ questions.**

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<sup>6</sup> In the 2005 delegation, we questioned the reason for the lower minimum retirement age for women. It was reported by a union officer at the steel fabrication plant in Pinar del Rio that this recognizes the additional contribution of women to society, as they tend to be the primary caretakers of both children and the home and thus have worked harder during their working life.



## 2. Sawmill

The business includes a sawmill, where approximately 7500 cubic feet is produced, including doors, pallets, wood for construction, and furniture. We saw an example of the furniture, a dining room table in the new dormitories, which was made in the Bodégon style or Spanish tavern—similar to a picnic table in the U.S.

In the sawmill, our delegation met with the general manager of the complex and observed the production process. The general manager reported that there were five cost centers of this section of the enterprise, including furniture production, lumber/sawmill carpentry, construction and box production (crates). Various types of wood (hard, semi-hard, soft, and precious) are designated to certain areas. This sawmill has been operation since 1871. Lumber is dried using furnaces, as well as solar and wind processes. He further described the collective system of payment for final production, which included a piece rate system for individual production.

Specific observations were made at this enterprise regarding health and safety. It was readily apparent that the carbon makers that we spoke with were comfortable speaking about health and safety issues with us in front of the empresa's administrators and the CTC representatives. It also was apparent that the administration and the workers discussed accident prevention and general health issues. The empresa's home building program will minimize the hardship to the carbon workers who now are gone from their homes and families for weeks at a time. The implementation of the division of tasks so that the carbon workers no longer have to go into the forests to cut the wood they burn into charcoal has eliminated some of the isolation from their families and potential for injury from working alone with dangerous cutting equipment.

However, the charcoal workers did not appear to have respiratory, eye, or heat protection available, and none wore hardhats or safety shoes. The administration stated that the lack of protective equipment was being addressed, but none appeared available at the time of our visit. We are unaware whether the empresa contained any MAP designated protected areas, but it did not appear to Ms. Hill that the charcoal work area would meet the MAP requirements as they were described to us.



Photo by Dean Hubbard

**Director, worker and union leaders at Coffee Cooperative**

### **C. Tumba Siete Cafetal**

By Joan Hill, Carmen Flores, Art Heitzer, Sandra Edhlund and Dean Hubbard

The delegation had the fortunate opportunity to travel to the Sierra Maestra Mountains, to the municipality of Segundo Frente, or Second Front, an area which was strategically important to the revolution in the eastern province. There, we visited this coffee cooperative, which is organized as a UBPC (Unit of Basic Cooperative Production). The Tumba Siete Cafetal is a living example of the impact of Law 142, passed in 1993, which created the UBPC agricultural cooperatives as a means to respond to the Special Period. (The legislative basis of the UBPC model is described in more detail in Section II.H. above.)

We met with several workers and the UBPC Director, Gabrielle Sanchez. Also greeting us were Jorge Antonio Santos Palmero, the CTC General Secretary for Segundo Frente; Luis Chacon Silva, an organizer for the Livestock and Agricultural Workers Union; and Annie Mustelier, the secretary of the trade union section.

The workers are represented by the Livestock and Agricultural Workers Union. The Director explained the four (4) basic tenets of the agricultural legislation:

1. To link the worker to the place and the outcome of his/her labor.
2. To develop self-sufficiency for cooperative members and their families
3. To foster administrative autonomy.
4. To relate outcomes (or profits) of the enterprise to the crop, leading to reinvestment and greater production.

The General Assembly of each UBPC includes all members of the cooperative. It elects a Board of Directors, which selects the Director, who must be approved by a vote of the General

Assembly. In general, the land is leased, and the equipment, trucks and houses are the property of the cooperative.

Ms. Sanchez spoke of the history of this particular cooperative, which was started in November 1993 with 60 farmers, 10 women and 50 men. Their average age is 45. The Tumba Siete Cafetal has been very profitable, surpassing its target by reaching 120% of its production goals in 2005, with each worker producing an average 78 quintals of coffee. (One quintal = 100 kilograms.) The land “holdings” of the cooperative are 25 hectares. As mentioned, coffee is the main product, with 12 hectares devoted to coffee. The balance of the land is used for grazing and other agricultural production. The average base salary per worker is 348 pesos per month and is considered an advance against cooperative income. Following the harvest, each member receives a bonus paid as a percentage of production in excess of targets, calculated based on both cooperative profits and the individual’s labor. In good years, some workers have earned up to 5000 pesos beyond their advances.

The Director provided further data on individual production and explained the process of preparing the land, cleaning fields, fertilizing, weeding, and planting new trees. Larger shade trees are planted to shade the actual coffee plants. Organic fertilizer is used, and barriers have to be built. Production has been down over the past several years due to the drought conditions in this and other eastern provinces. Due to the decrease in coffee production, and the desire to establish self-sufficiency, the cooperative has also developed production of vegetables, greens, meat and roots. Pork, lamb, chicken and egg production have increased, both to satisfy the requirements of the cooperative members and their families and to sell to other entities.

This location has been designated as a “Colectivo Vanguardia Nacional” for its excellence in meeting production goals since operations began in 1993. It has also received the “Certificate of the Heroes of Moncada,” which is an award given by the CTC, and it received a 60<sup>th</sup> Anniversary Founders Award. There are 11 cafetales in the county where the Tumba Siete Cafetal is located, and 176 in the province.

In a question and answer session the process of joining the collective was explained. Membership in the collective is not restricted, except by its budget. A potential member may apply for inclusion, and the Board of Directors may agree. Then approval by 75% of the workers assembly is required. New members are subject to a “probationary” period of 30 days. Alternatively, a worker may work on the collective for three months, then receive an on-the-job evaluation.

The members of the Board of Directors are also selected with a minimum threshold vote of 75% of the General Assembly. Qualities considered are educational level, knowledge of the enterprise, degree of responsibility and revolutionary background. Twenty-five of the original members of the cooperative are still active members. Many have retired. Retirees remain members of the union and enjoy its benefits.

The shortage of housing is a major issue facing Cuba. In Tumba Siete, the cooperative designates land within the UBPC to a worker who need housing. Construction materials are provided by a state agency, and all the work to build the new house is provided by the

cooperative members. The worker and family occupy the house, but it remains property of the UBPC for 20 years, after which title is legally transferred to the worker and family. If the worker desires to sell the house at a later time, the State has the first option to purchase it. To keep housing prices affordable, people are not permitted to profit from the sale of their homes.

Most but not all members of the cooperative live within the UBPC. This allows members and their families to easily engage in both work and recreational activities. Schools are located in the nearby communities.

The cooperative pays into a state insurance system. In case of a natural disaster, such as a hurricane, loss is determined and compensated through an insurance claim.

Most of the coffee produced at this cooperative is sold for export, because of its high quality. The export agency, Alimport, buys the coffee from the cooperative. Export is then accomplished through the Ministry of Foreign Trade.

The coffee is grown organically on the Tumba Siete Cafetal, even though imported chemical fertilizers and pesticides which were unavailable during much of the Special Period are again available for use in Cuba. The cooperative members continue to use only organic fertilizers and pest control methods because of they do not consider it healthy to use chemicals, which they say would pollute the river and cause health problems for the workers.

The delegation inquired about labor relations. General guidelines are established when the UBPC is created. The OJLB dispute resolution system does not apply in the UBPCs. Instead, internal rules for dispute resolution must be approved by a 51% vote of the General Assembly. Decisions regarding complaints and grievances may be appealed to the workforce at a general meeting. This Assembly serves as the “supreme arbiter” of disputes.

At the Tumba Siete Cafetal members work for 24 days per month, for 11 months. All members receive one month of paid vacation. 100% of the workers are affiliated with the union local. The Secretary of the union participates in meetings of the cooperative’s Board of Directors.

On a walking tour of the cafetal, we were shown the coffee planting and harvesting cycle that had been described to us earlier. In April, May, and June, they plant trees. In the planting area, they clean the area, cut down old trees and dig holes, keeping one meter between trees and four meters between each eight rows for shade. They add 10 lbs. of compost and leaves to each hole, and leave it there in the April- June rainy season. Subsoil is not replaced. Organic matter and upper layer soil is put back. After the rains, boring insects attack the beans. The farmers remove each infected bean by hand through periodic inspection of the plants. During the walking tour, delegates took the opportunity to speak informally with workers in their residences, who were friendly and expressed contentment with the collective.

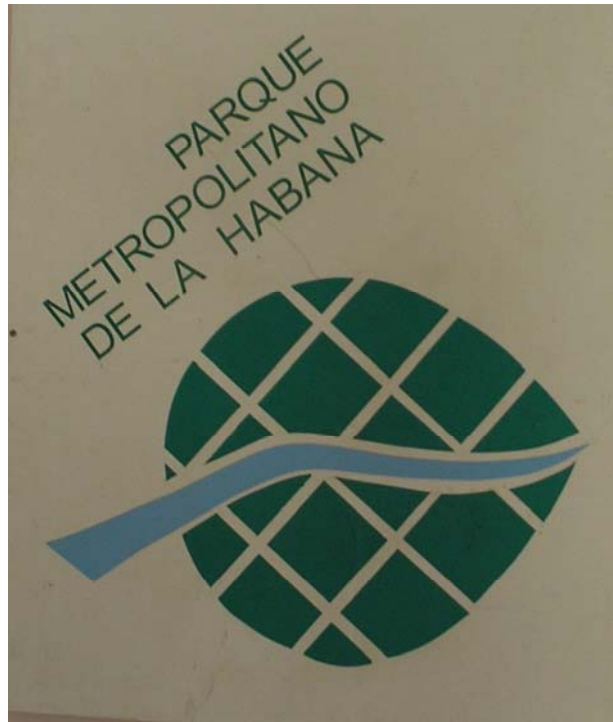


Photo by Joan Hill

#### **D. Metropolitan Park of Havana (PMH)**

By Joan Hill

This report is based in part on discussions with Harahi Gámez Rodríguez, a Specialist in International Cooperation for the PMH, which were arranged through Gisela Moreno, one of the translators for previous delegations. In anticipation of this aspect of the research, I read an article posted by the International Development Research Centre (IRDC) in Canada, at their website, [www.idrc.ca/wsis/ev-51459-201-1-DO\\_TOPIC.html](http://www.idrc.ca/wsis/ev-51459-201-1-DO_TOPIC.html).<sup>7</sup> This introduced me to the concept of urban agriculture in Havana. The work of Ms. Gámez and her organization includes a collaboration project with the Canadian Urban Institute involving the clean up of the Almendares River which bisects the Metropolitan Park, located in the western area of the City of Havana.

Historically, the first agricultural organization in the park was developed in 1978, as a production cooperative (CPA). As discussed in more detail in Section II.H. above, as a result of 1961 agricultural reform legislation, farmers were encouraged to join cooperatives, either associations of small farmers (ANAP) or CPA. However, many of these structures failed, perhaps in part because of the lack of incentives to the workers and overall enterprise. State owned farms may not have prospered for the same reason. As the result, workers in the country and mountainous areas relocated to the cities in the 1980s, further reducing the production of food nationally, and increasing the need for food products in urban areas. Research indicates that by the late 1970s, the CPAs did offer some motivation to continuing production, such as bringing the farmers closer together; and incentives, including access to electricity, housing,

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<sup>7</sup> Also see Frederick S. Royce, "Agricultural Production Cooperatives: The Future of Cuban Agriculture?" In *Transnational Law & Contemporary Problems* 14 (1), University of Iowa College of Law: 19 (2004).

schools and medical care.<sup>8</sup> Other incentives available under the models of cooperative farming included food crop allotments, individual lot production and “patio pigs” raised for personal consumption.

As more fully discussed in Section II.H., the next model of cooperative farming was the UBPC, or Unit of Basic Cooperative Production, such as the coffee cooperative we visited in the Sierra Maestra Mountains near Santiago. Similar models also were initiated in the 1980s through 1990s. Then a “new” model was developed, the strengthened UBPC, with increases in workers’ salaries. Individual ownership of farms continued, but on a smaller scale. Through legislation passed in 2002, Credit and Service Cooperatives (CCS) were initiated, which allowed individual property/land ownership to remain intact (versus state ownership) but workers created production plans jointly.

Historically, a large percentage of the land in Cuba devoted to sugar cane production. However, during the “Special Period” in the 1990s there was a decrease in production and a corresponding increase in the need for food. The ability to import food was limited by the blockade and the conditions of the period, so it was determined that available land needed to be cultivated. Urban farmers were utilized for production of food (based upon individual cultivation) but the need for more food drove the need to reorganize the structure of urban farming. New models of cultivation were used including organoponic (seed beds) and hydroponics (using fertilized water containing zeolites.)<sup>9</sup> Other growing methods utilized include “intensive seedling” or growing different types of plants together based upon their growth period and the physicality of the plants, and permaculture, an Australian method of plant living and producing in harmony with the environment.

By 1995 the CPA in the park was not producing enough to sustain itself. Land was then “given” to the management of the park as a sort of “testing ground” for possible duplication in other urban areas. The park created a team with other urban agricultural theorists to develop an integrated farm of various crops and a program of reforestation. Reforestation has been part of a large campaign or program of voluntary labor within the park. The park’s managers decided to link land with the workers, salaries were established and the reforestation project was integrated with the crop cultivation, determining that the two could prosper together. The primary goal, however, remained reforestation, and a land use model was formulated to create appropriate space for both. Another focus included recycling, or an attempt to create new cycles for the treatment of liquid waste or “grey water.”

As the interview began to focus on the work of Ms. Gámez, we discussed the current and future plans for the Almendares River. The river represents the axis of the park, hence its importance to any agricultural production. The park encompasses 700 hectares, and the river travels 9.5 km within the area of the park. The park spans four (4) municipalities, Playa, Plaza, Cerro and Marianao, and therefore is overseen by the provincial government of Havana.

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<sup>8</sup> Royce, p. 23.

<sup>9</sup> According to Royce, intensive urban agriculture constitutes a rapidly growing source of fresh vegetables and condiments in Cuba. Over 12,500 areas existed at the end of 2002, some attached to work sites, and others run as production cooperatives. In Havana, the number of urban UBPC increased from 0 to 178 after the special period.



Photo by Joan Hill

**Sra. Gamez with Model of Park**

To understand the historical significance of this park to the citizens of Havana, it is important to know some of the history of the city itself. Havana was settled in the 1580s. The second wave of settlement took place in the 18<sup>th</sup> Century. As part of the desire to maintain green space within the City, French Landscape Architect Jean Claude Nicholas Forestier designed this park and other gardens of the City.

In 1960, the Park was included as part of a strategic plan of the City of Havana to form a green belt within the City, and is one of 4 regional parks. In 1989, legislation created a team to implement or develop (through regulation) major projects within the City, including Old Havana, the Malecon and the Metropolitan Park. Graduates from the University of Havana were employed by park management, and they then called upon experts from the Canadian Urban Institute to join this project. Areas of the park were reviewed, specifically the industrial areas, which included a sawmill, two breweries, a carbon gas plant, two paper mills and a military facility. Sections of the park were devoted to agricultural, reforestation and of course, residential housing.

Of the agricultural projects, the sufficiency of the food production for the park workers (mostly residents) was paramount. The quality of the food produced was addressed, as well as the food supply and food services within the park area. One of the “claims” of the park was that it would support the development of healthy food and draw in students from primary and secondary schools, as well as foreign delegates, to observe specific growing methods.

With regard to the Cubans employed at the park, about 250 are employed in agricultural food production. Over 20% of the park land is devoted to agriculture. Overall, 80% of the land is designated as a green space.<sup>10</sup>

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<sup>10</sup> The concept of green space, or green lung as described, would create a natural filter for changing Carbon dioxide to oxygen, like the rainforests of South America.



Specific attention was given to the programs of incentives for workers. Within the park, the salary system was restructured and adjustments have been made over the past several years. For example, the program of reforestation was linked to the sanitation workers; as a result, more workers were employed and fixed prices were established for the work of clearing the land (sanitation) and planting. The incentive of approximately 600 pesos per month was determined appropriate for the “contracted” work and salaries established accordingly.

The collaboration with the Canadian Urban Institute focused on strategic planning and community participation. The collaboration program recognized the need to develop participatory projects within the communities and to hire the workers from those communities. According to Sra. Gamez, seven (7) plans were developed that addressed

- Agroforestry – creating the green lung (using 80% of park area for reforestation, agriculture and gardening);
- Environmental -- clean up of the Rio Almendares and reduce industrial pollution and solid waste through cooperative measures between residents, industry and government;
- Investment – development of economic centers within the park to prevent further deterioration and generate income for reinvestment;
- Education, participation and community action programs – to develop environmental awareness in the community and residents of Havana;
- Social and cultural development – recreation and entertainment for Havana’s residents based upon the use of the park and education regarding stewardship of the environment;
- Program of protection – using citizens to protect the physical characteristics and environment of the park; and
- Economic development and collaboration – ensuring in the sustainability of all other programs.

To achieve these goals, multi-disciplinary teams were created to oversee each program and to teach others. For example, reforestation requires environmental education, and impacted recreation and communication within the park. Voluntary labor was utilized in addition to the technicians. Ultimately, 90% of the workers were pooled from the local communities and then employed by the park. This gave the workers a sense of participation in their ‘own’ property and a sense of belonging and helped to improve the quality of their lives. Full employment programs and programs that address the employment of younger workers were included. Young, unskilled workers were paid to study and then linked to work.

I asked about environmental regulation and discussed examples of the Clean Air Act, Clean Water Act and other laws designed to protect the environment in the United States. In Cuba, it seems that environmental laws passed in 1987 have been enforced to a greater degree over the past several years. I shared examples of localities in the US that have mandatory recycling and related my experience while on the City Council in a small town in West Virginia, of the resistance of the citizens, especially senior citizens, to sorting the disposable (solid) waste. I also gave examples of efforts through solid waste management to implement voluntary

recycling and providing containers and other incentives for such projects in various municipalities.

We toured the park, including the dam and a bamboo forest. We saw many nurseries, including the Nguyen Van Troi Credit and Service Cooperative. One product of interest was the fruit of the *Morinda citrifolia* plant, or Noni, cultivated for scientific and medical benefits. Traditionally, Noni has been used to treat numerous symptoms, such as joint pain, immune problems, colds, infection, digestive disorders, injuries and inflammation, as well as depression. There is now an international market for this medicinal fruit. We observed the results of a joint venture with the Japanese government that improved the roads and walking areas of the park, to add flowering plants and badly needed street lighting. Another project, in collaboration with the French government, is focusing on environmentally sound housing within the park. Hiking trails have been built for recreation as well as student education.

I was interested in the closed paper mills, including Papelera Cubano. I searched for additional information about this paper mill (because of my ties to the former paperworkers union) but without much success. All I was able to uncover was the architectural significance of this building. I understand that the Cuban Paper Factory was founded in 1919 and is reported to be an important urban landmark within the city. A comprehensive rehabilitation effort may be considered in the future, beyond the current use as a warehouse.

At the end of the interview, I had the opportunity to speak with another technician, who was preparing an area of the park for an upcoming visit by school students. Classes are regularly taught within the park, and technicians travel to various schools to meet with students, and participate in environmental clubs which have been started in the school system. One of the forestry engineers told me of the 4<sup>th</sup> and 5<sup>th</sup> graders who were coming that afternoon. She was setting up a workshop on environmental conservation to, as she said, change the mind of the parents through their children. She and other technicians coordinate a curriculum through the government and school system. The topic for the day, the Forest as an Ecosystem, placed special emphasis on forest and rivers. Park residents also participate in the education classes; classes are provided for the industrial residents as well.

In conclusion, the Metropolitan Park in Havana offers an example of the many programs which are “right” about Cuba. It envisions a future which must include protection of the environment. It has a present focus on economic development through full employment of the residents of the park. It values the past, preserving the social and cultural development of the area. It provides a laboratory to evaluate many of the principles of labor relations, to which our delegations have been exposed, including incentive programs for workers, restructured salary systems, collaboration or “joint ventures” with foreign governments and enterprises, and the role of trade unions in the enhancement of Cuban livelihood.

## Commentary: Money, or Lack Thereof

By Kurt Berggren

The current “market” exchange rate is 25 Cuban pesos to one CUC.<sup>11</sup> An internationally well-known medical school professor that I met earns a monthly wage of 820 pesos, which she says is one of the higher salaries in the country. That is just under \$33 per month.<sup>12</sup> Everyone dependent on the peso economy struggles mightily. The high-paid professor expounded on the great difficulty that she has to make it financially for herself and her two college-age children. As she said, every month there is the rent, the electric bill, costs of transportation, and food and clothing, etc. Everyone in Cuba needs more money and material things; and, that is why most people strive to participate in the CUC economy.

Two years ago, I wrote a short analysis of the schism within Cuban society caused by tensions over those living well off the tourist economy and those without access to that economy. Although it was written prior to the November 2004 changeover from the dollar to the CUC, that change really has no substantial effect on the conclusions in the piece. This highly respected professional who teaches at Oriente University medical school and who has traveled around the world giving presentations at medical conferences is still a person dependent on the peso economy. Her higher range wage is still far below those in tourist service work, both legal, such as taxi drivers getting tips, and illegal, those selling products and services on the streets. The professor and other professionals look down on those doing well financially in the CUC economy. The professor told me that those operating outside the peso economy are generally not well educated. The fragmented and non egalitarian aspects of the dual economy, at least in terms of ability to earn money, is clearly a source of friction, tension, and jealousy.

This strange financial reality impacts the relationship of the Americans and Cubans within our research group. The Americans have the CUCs, whereas the Cubans, dependent on the peso economy, have little cash. Therefore, outside the official events, the Americans generally pay. A sharing of the cost of a drink at a bar or a restaurant meal or the Cubans treating the U.S. delegates is not possible.

How does this dependency status and gross financial inequality affect the participants? It should first be recognized that this is clearly not a first world/third world interaction. While the

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<sup>11</sup> The CUC or convertible peso or dollar is the currency for the foreigners and tourists. U.S. dollars are no longer accepted. A CUC is actually worth more than a U.S. dollar. One exchanging U.S. dollars for CUCs gets significantly less than dollars because there is a 10% penalty against the U.S. dollar. For that reason on this trip, I converted Canadian dollars; and, I received about 550 CUCs for 700 Canadian dollars upon entering the country. Because of the 10% penalty, I would have received less for the same amount of U.S. dollars.

<sup>12</sup> Editor’s note: *As reported in our previous research, it is highly misleading to focus on salaries alone when discussing Cuban income, as Cubans receive significant social assistance from the state which would cost thousands of dollars per person per month in the U.S., including free universal health care and education, and subsidized housing, transportation and food.* National Lawyers Guild, *Workers’ Rights in Cuba: Report of the United States Delegation to the 2002 Exchange Between U.S. and Cuban Labor and Employment Lawyers, Neutrals and Trade Unionists* (2002), pp. 17-21. Also see Evenson, *supra*, pp. 45-47.

economic chasm exists, our Cuban compañeros are not third worlders. They are educated, professional and proud people who are on a cultural, social and professional level equal to, if not more advanced than their North American colleagues. In large part, this reality makes the economic imbalance difficult for all of us. I would think that the Cubans are embarrassed and feel very uncomfortable. I certainly feel this disparity in resources impedes our relationship. I feel funny and uneasy when being asked for things by the Cubans; and I don't feel genuinely altruistic and good when I give gifts, which are usually simple but scarce items, such as toiletries, office supplies, and dictionaries.<sup>13</sup>

This tension or uneasiness is particularly troublesome in light of the fact that our workplace research tends to confirm the positive nature of the Cuban work experience. For example, our visits to the coffee co-op and the charcoal and lumber farm left us with a feeling of worker harmony and cooperation and a good life for the workers. But, the reality is that all the workers suffer from a lack of enough money. Scarcity is a way of life that affects everything in the Cuban culture. The root cause, as the professor said, is the U.S. embargo. She believes that if the embargo ended, wages would increase for all. In the meantime, the unfortunate cure or escape is perceived presently, in the world of many Cubans, as the need for CUCs.

This reality colors and saddens our experience in Cuba. It is an unnecessary barrier to peace, love, and understanding. How do you think I felt when a Cuban friend asked me if he could have my running shoes? Perhaps, more to the point, how do you think he felt? Although we, both the Cubans and the Americans, try very hard to relate to each other with warmth, friendship and honesty, the money or lack thereof gap is always present. It is an insulting and dehumanizing impediment that Cubans and Americans must endure primarily because of the cruel and malicious embargo imposed against innocent and good people.

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<sup>13</sup> Editor's note: *At the same time, this reality makes the generosity of the many gifts given by the Cubans to our delegates all the more apparent.*



Photo by Cynthia Rollings

#### **IV. Conclusion: “The Bus Leaves at Eight.”**

By Dean Hubbard, Joan Hill and Carmen Flores

A fundamental purpose of the research of the NLG L&E Committee is to investigate and communicate the reality of workers’ rights in Cuba. Through this work, we seek to contribute to the evolution of the U.S. trade union movement towards genuine transnational solidarity. Real solidarity would include opposing and seeking to end the immoral and unlawful blockade of Cuba, which harms workers and unions in both countries.<sup>14</sup> During the Cold War, the international wing of the official U.S. labor movement was deeply implicated in the government’s efforts to overthrow the Cuban revolution. This was part of what proved to be a profoundly misguided strategy of aligning the labor movement internationally not on the basis of shared interests with workers in other countries, but with the interests of the U.S. political and corporate elite. The devastation of the livelihoods of union members--and trade unionism--in the United States by globalized neoliberal policies, which began in the 1980s and continues to this day, has made it abundantly clear just how wrong this approach was.

Much has changed in the U.S. labor movement since the Cold War era. The policies of both the AFL-CIO and the Change to Win Coalition now stress transnational solidarity. To this day, however, the AFL-CIO is on record as supporting the blockade of Cuba, with exceptions for food and medicine. While Change to Win does not seem to have taken a position on the blockade yet, there are signs of hope from the U.S. labor movement for future exchanges based on genuine solidarity.

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<sup>14</sup> See National Lawyers Guild, *Report of the United States Delegation to the Fifth Bilateral (U.S./Cuba) and Second International Research Exchange among Labor Lawyers, Trade Unionists and Scholars*: 26, 29-30 (2004); and 2001 Report, 25-27.

For some of our delegation, this was their first chance to visit Cuba and participate in this research project; for others, participation in the 2006 delegation represented one more step in the larger struggle of understanding Cuban realities, and working towards ending the blockade and the misinformation that permeates U.S. media regarding Cuba. Hopefully, all delegates see this role as a function of their continuing work, now that they've had the opportunity to meet with and get to know more about workers, labor activists and professionals in Cuba.

As part of the continuing dialogue, even though the trip is over, we take from this delegation the closing comments shared between the Cubans and Americans. Both delegations overcame challenges to be in Santiago—a long bus ride (on sometimes unreliable transportation) for those coming from Havana, and the legal impediments that were overcome by delegates from the U.S.: affidavits, visas, and regulations; not to mention the cost. Notwithstanding the obstacles, we learned a great deal about this part of Cuba, its labor and workforce, and its contribution to the Cuban society and economy.

A consensus among both the U.S. and Cuban delegates was the importance of the ongoing development of solidarity between the groups. One comment suggested that we not only focus on the differences between our labor relations systems, but on the similarities. One U.S. delegate identified the foremost common experience as our collective resistance to the forces of injustice. The many informal exchanges of ideas and experiences that took place as we traveled between work sites helped us to recognize that there are many other commonalities. In fact, one result of these discussions is the decision to work with the Latin American Association of Labor Lawyers and other international groups to focus next year's event on the common experiences of labor lawyers and trade unionists, particularly those in Venezuela, Bolivia, Cuba and the United States, in mobilizing for the state to carry out its obligation under international law to protect workers' economic, social and cultural rights. This intention to focus on social security, broadly defined, emerged from our recognition of the rapid gains being made throughout the Americas in opposing globalized anti-worker policies premised on privatization, deregulation, informal work and capital mobility.

The history of Santiago was palpable throughout our visit, from the war of independence from Spain, to the birth of the third war of independence with the attack on the Moncada Barracks, to its final phase, when Fidel and the guerilleros took to the Sierra Maestra Mountains. People such as Camilo Cienfuegos, Antonio Maceo, and many other Cubans are heroes of the revolution, but one common realization for both delegations should be that we are all heroes, just on a smaller scale. We work in solidarity with labor, we work together with our clients, our members and our students, not only to understand the historical significance of the struggles of those who preceded us but to bring about a world of greater social justice in our own day and age.

En la lucha, si se puede!



Photo by Sandra Edhlund

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